

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

LUIS SANTIAGO, :
Plaintiff, :
 :
v. : Civil No. 3:05cv00405 (JBA)
 :
OWENS-ILLINOIS, INC., et al., :
Defendants. :

Ruling on Defendant Continental AFA Dispensing Co.'s Motion to
Strike [Doc. # 132] and Defendant Owens-Illinois, Inc.'s Motion
to Strike [Doc. # 135]

In conjunction with their motions for summary judgment [Docs. ## 97, 102], both defendants have moved separately [Docs. ## 132, 135] to strike all or part of plaintiff's opposition memorandum, Local Rule 56(a)2 Statement, and supporting evidence. As this Court recently held in Ricci, et al. v. DeStefano, No. 3:04cv1109 (JBA), 2006 U.S. Dist. LEXIS 69305 (D. Conn. Sept. 18, 2006), a motion to strike is not appropriate to contest statements of fact in an opposing party's Local Rule 56 Statement, accompanying memorandum, or related evidence:

Local Rule 56 (summary judgment) neither authorizes [] motions [to strike] nor contemplates them as an appropriate remedy for a violation of the rule. In fact, under Rule 12(f), motions to strike are only appropriately directed to pleadings, and neither a Local Rule 56(a) Statement nor the evidence supporting such a statement is a "pleading." See Fed. R. Civ. P. 7(a) (pleadings include complaint, answer, reply to counterclaim, answer to cross-claim, third-party complaint, third-party answer, and "[n]o other pleading shall be allowed..."). Furthermore, motions to strike are to be directed at "redundant, immaterial, impertinent or scandalous matter," Fed. R. Civ. P. 12(f), not disputes over the admissibility of evidence.

Ricci, 2006 U.S. Dist. LEXIS 69305, at *4-5.

Accordingly, defendants' motions to strike [Docs. ## 132, 135] are DENIED.

IT IS SO ORDERED.

/s/

JANET BOND ARTERTON
United States District Judge

Dated at New Haven, Connecticut, this 31st day of October, 2006.